

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PATENT**

ATTY DOCKET NO.: 5573-115IP7CT7

DATE: January 30, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

17497 U.S. PTO  
10/769021  
020204

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☐ a patent application
- ☒ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior US application no.: 10/434,259, pending, filed May 8, 2003, which is a continuation of U.S. Patent No. 6,667,321, filed July 3, 2002, which is a continuation of U.S. Patent No. 6,444,689, filed January 25, 2002, which is a continuation of U.S. Patent No. 6,369,087, filed August 24, 2000, which is a continuation-in-part of U.S. Patent No. 6,262,085, filed March 7, 2000, the disclosures of which are incorporated herein by reference in their entireties.
- ☒ and claims the benefit of Provisional Application No. 60/150,878, filed August 26, 1999.

Inventor(s) or Application Identifier:

**Robert R. Whittle;**  
**Frederick D. Sancilio;**  
**Grayson Walker Stowell;**  
**Douglas John Jenkins;**  
**Linda B. Whittall**

Entitled: **Pharmaceutical Formulations**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 135 pages of Specification (including 20 claims)
3. ☐ sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☒ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☒ Incorporation By Reference (*useable if box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

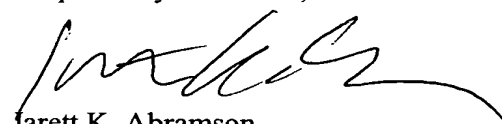
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 0 references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	20 - 20 =	0	x 09 = \$	x 18 = \$
INDEP CLAIMS	4 - 3 =	1	x 43 = \$	x 86 = \$86.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$856.00

- ☒ A check in the amount of **\$856.00** to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
  - a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

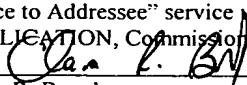
  
Jarett K. Abramson  
Registration No. 47,376

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 193584123 US

Date of Deposit: January 30, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Clara R. Beard